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C O N F I D E N T I A L SECTION 01 OF 03 KHARTOUM 000889

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SUBJECT: NCP AND SPLM DISCUSS THEIR AGREEMENT ON ABYEI

REF: A. KHARTOUM 859

[1](#)B. KHARTOUM 822

Classified By: CDA Alberto M. Fernandez, reasons 1.4(b) and (d)

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SUMMARY  
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[1](#)1. (C) Two key NCP-SPLM leaders discussed on June 11 the June 8 Accord on Abyei, its implementation, and whether the parties would welcome the return of Special Envoy Williamson to assist with Abyei negotiations. The SPLM and the NCP agreed that the new accord is a positive step. The SPLM went so far as to say it is a "good, fair deal." As with everything in Sudan, however, the proof will be in the implementation of the agreement, which sets ambitious deadlines for a number of provisions, such as establishing an interim administration, deploying a new Joint Integrated Unit, and free movement for UNMIS patrols that are to be implemented by June 22. If the parties can demonstrate they are serious about arriving at a final political settlement on the demarcation of the region's borders, partly demonstrated by the implementation of these fast-approaching deliverables, we believe that further USG engagement to reach a final settlement could be both useful and important to solving one of Sudan's most contentious CPA issues.

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IMPLEMENTATION OF THE 8 JUNE ABYEI ACCORD  
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[1](#)2. (U) On June 11 lead NCP Abyei negotiator Dirdeiry Mohamed Ahmed told Charge d'affaires a.i. Datta that the NCP and the SPLM agree that establishing security and the return of civilians to Abyei are the most important issues to be addressed by his government following the May clash between SAF and SPLM forces (ref B). Therefore, the June 8 Accord prioritizes deploying a new Joint Integrated Unit (JIU) to maintain order in Abyei within ten days of the signing of the agreement, assigning police to the area within two weeks of the agreement, and grants permission for UNMIS patrols to move freely to the north and south of Abyei town (ref A).

[1](#)3. (SBU) Dirdeiry said that the Joint Defense Board (JDB) would meet on 12 June to decide on what existing JIU to deploy to Abyei until a permanent JIU can be organized there. According to Dirdeiry, the SPLM favors deploying the existing Wau JIU to Abyei. The NCP regards the Khartoum JIU as a better choice because that unit is "more integrated," as demonstrated by the fact that it had helped fend off the recent Justice and Equality Movement (JEM) attack on Omdurman. (Note: In fact, there are no JIUs that really can

be described as "well integrated," consisting as they do of separate SAF and SPLA units merely collocated and under a single commander. The Wau and Khartoum units may only be more cohesive than most, which is damning by faint praise. End Note.) Dirdeiry also said that police from the National Reserve Police Force in Khartoum already have deployed to the area in order to stop the looting and protect "what's left."

14. (U) Dirdeiry regretted that Abyei UNMIS patrols had been essentially "locked in Abyei town" due to SAF and SPLA refusal to allow UNMIS to move to the north and south of Abyei town. The two parties now agree that free access for UNMIS patrols was necessary to ensure peace in the region, he said. CDA Datta asked Dirdeiry whether he believed UNMIS' mandate in Abyei was sufficient to keep the peace or whether it should be strengthened. Dirdeiry responded that UNMIS has not been able to carry out its full mandate until now due to limitations imposed on it by both parties. "UNMIS has a peace-keeping, not a peace-enforcing mission," Dirdeiry explained, but under Chapter Seven of the UN Charter, it does have the mandate to protect civilians and itself. Its inability to manage what happened "was not about the lack of a broad enough mandate, but a result of UNMIS' inability to patrol the area freely." He encouraged UNMIS to exercise its full mandate for the protection of civilians in the area.

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SPLM: PERFECT STORM LED NCP TO NEGOTIATE SERIOUSLY ON ABYEI  
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15. (C) On June 12, SPLM Deputy Secretary General for the Northern Sector Yasir Arman said that he believes the June 8 accord is an achievement. He claimed that a perfect storm

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of events forced the NCP to finally sit down and negotiate seriously on Abyei. Yasir described these events as: (a) the shocking May JEM attack on Omdurman which left the NCP "confused" and caught off balance, (b) heightened tensions in Abyei in May which resulted in conflict, human suffering and the razing of Abyei town followed by the SPLM's call for an international investigation into the conflict, which the NCP knew was sure to bring international condemnation down on it, (c) the timing of SE Williamson's visit and his dramatic departure on 4 June which resulted in the suspension of US-Sudan bilateral talks, which again took the NCP unpleasantly by surprise, and (d) the near-simultaneous UNSC visit to Sudan and its emphasis on the resolution of Abyei. "These factors brought out the Abyei deal," said Arman. (Note: Arman was part of the SPLM team that negotiated the Accord. End Note.)

16. (U) Arman explained that the SPLM had been engaging the NCP for a long time on Abyei, yet this is the first time the NCP has agreed to a wealth-sharing agreement across a majority (roughly 80 percent) of the area defined as Abyei by the Abyei Boundary Commission (ABC) Report. This was a major concession, in his opinion. The Accord states that without prejudice to the wealth-sharing formula agreed upon in the CPA and pending the final demarcation of the Abyei area in accordance with the result of arbitration, oil revenue from oilfields in the areas under arbitration will be allocated in accordance with the wealth-sharing arrangements in the Abyei Protocol (ref A). Arman also noted that the agreement between the two parties to utilize a certain percentage of oil revenue from the area to finance projects that benefit the region is also a good development.

17. (C) "I believe it is a good, fair deal," said Arman, "and that there is sufficient momentum now to see that it gets implemented." He emphasized the need to maintain this "new momentum," and encouraged the international community, and the USG in particular, to continue to pressure the NCP to honor and implement the Accord. Not all is perfect, however. Arman cautioned that there are "negative forces" within the NCP, including NCP Misseriya militia leaders, who are trying

to slow and sabotage implementation. Furthermore, said Arman, when the parties discussed the interim administration for Abyei, the SPLM agreed not to name the controversial Edward Lino regional administrator if the NCP agreed to name a Dinka as deputy administrator. Arman claimed that since that discussion, the NCP has switched gears and may choose a Misseriya deputy administrator, instead. "If they do this, it will spoil the deal," said Arman, and the SPLM will nominate Lino as administrator, which the NCP will find unacceptable. According to Arman, GNU President Omar al-Bashir and GNU Minister of Foreign Affairs Deng Alor will discuss this on 13 June during their joint trip to Addis Ababa and FM Alor will "caution" the President on an SPLM response to the nomination of a Misseriya deputy (Note: the NCP's own party leader in Abyei is a Dinka, not a Misseriya, due to the sensitivity of the ethnic question in the region).

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USG URGES POLITICAL SETTLEMENT OVER ARBITRATION  
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¶8. (SBU) During both discussions, CDA Datta raised USG concern over the parties' decision to establish an arbitration tribunal that would make a final and binding decision on Abyei border demarcation. Datta explained that the optimal scenario for both parties would be for them to reach a mutually acceptable political settlement on border demarcation, rather than leave it to arbitration. "With arbitration, you lose control of the process". He emphasized that the results of arbitration would likely not be favorable to one or possibly even both parties, and that a political settlement that both agree upon and "could live with" would be a better way to solve the highly contentious Abyei issue. Further, if arbitration failed, the issue would then fester even longer and might well result in a delay in the 2009 elections and even a resumption of hostilities.

¶9. (SBU) A surprisingly frank, Dirdeiry responded the NCP conceded that it will accept the ABC Report if the SPLM agrees to forgo the 2011 referendum. Continuing, he said that negotiations between the two sides on this issue are "an exercise in futility" if one party refuses to concede something. Because of this, said Dirdeiry, the establishment of an arbitration tribunal "is one of our only options." He did, however, agree that arbitration might produce an

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unacceptable result for one or both parties and that the NCP is therefore still "open to reaching a political settlement" on Abyei. He said that the parties will continue to try to hammer out a political solution, but at the same time will convene an arbitration tribunal to solve the Abyei issue in the event that the parties fail to resolve the issue politically.

¶10. (SBU) Arman said that "arbitration on Abyei is what we agreed to, and we cannot contradict what we have agreed upon and what is in the Accord." "A deal is a deal," he said, "and we do not want to appear to be violating the Accord." At the same time, however, the SPLM and NCP can "explore" whether they can reach a political settlement. Arman said that establishing an arbitration tribunal and initiating arbitration could happen concurrently with NCP-SPLM negotiations to reach a political solution. If such a settlement is reached, arbitration could then be canceled.

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NCP, SPLM WOULD WELCOME SE'S FURTHER ASSISTANCE ON ABYEI  
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¶11. (SBU) Separately, both Dirdeiry and Arman volunteered that it would be useful for SE Williamson to return to Sudan and assist with the Abyei negotiations. Dirdeiry said that SE Williamson "gave us good ideas, knows the issues well and has thought about them at length, and has a role to play" in the facilitation of an NCP-SPLM agreement on Abyei. Dirdeiry

claimed the NCP was shocked and confused by SE Williamson's abrupt departure, but would welcome his return and assistance with Abyei negotiations. The SPLM's Arman said "we are ready and prepared" for the return of SE Williamson and his assistance on the Abyei process. His knowledge and assistance are "useful", said Arman.

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COMMENT  
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¶12. (C) If the SPLM and the NCP can prove that they are serious about resolving the issue of Abyei, it might well be useful for the USG to play a role in helping them reach a final political agreement on the region. Although both parties currently seem pleased with the June 8 Accord, it remains to be seen if it will stick. However, it is a positive step toward resolving the most pressing issues on the ground in Abyei, and we believe that Arman may be right in thinking that now is the right time to push for concessions from the NCP, given how recent events have played to their fears. It also comes as no surprise that there are elements within the NCP who wish to slow implementation of the Accord, however. A fast-approaching test of good will come with the naming of the new interim administration, which the agreement states should happen within two weeks of its June 8 signing, and which already appears to be potentially contentious. We will closely monitor this event, as well as the upcoming deployment of a new JIU and whether UNMIS patrols actually are allowed free movement in the area, to gauge both sides' seriousness to resolve the Abyei dispute. The definitive announcement of an interim border would at least formally "settle" Abyei, but short of that key point, whether or not there is real progress on the ground in Abyei due to the June 8 accord should be clear enough within the month.  
FERNANDEZ